

NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Insurance - Administration
 Room no.: 3110
 Building: STATE OFFICE BLDG
 Street address 1: 450 N MAIN ST
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84114-1201
 Mailing address 1: PO BOX 146901
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 35387 Date filed: 10/28/2011 11:46 AM
 State Admin Rule Filing Key: 151730
 Utah Admin. Code ref. (R no.): R 590 - 160 -
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 Rules Applicable to All Proceedings and Rules Applicable to Formal Proceedings

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:
 This rule is being changed to update the days the department is open for business and to simplify the rule's adjudicative proceedings.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
 No

Rule Summary

6. Summary of the rule or change:

Section 5 (3) eliminates the reference to "Fridays" which was considered a weekend day while the department was on its 4/10 work week. Now that the work week has changed back to a 5 day work week Friday's are no longer a part of

the weekend. Changes to Section 6 (7) makes it possible for the presiding officer in a formal hearing to simplify the rules of a proceeding, as agreed on by the parties involved, as seen fit for the situation.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The proposed changes to this rule will have no fiscal impact on the department or state's budget. It could free up time the department spends on proceedings.

B) Local government:

Affected: No

This will have no fiscal impact on local governments since it relates solely with the relationship between the department and their licensees and those performing the business of insurance without a license.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

The changes could affect any person involved in a proceeding before the department. As a result of the change the presiding officer can relax the rules, expedite the proceedings when possible. When this is done it could save the respondent time and money for legal fees and save their attorney time for other business.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The changes could affect any person, whether acting for him or herself, an agency or insurer involved in a proceeding before the department. As a result of the change the presiding officer can relax the rules, expedite the proceedings when possible. When this is done it could save the respondent time and money for legal fees and save their attorney time for other business.

Compliance Cost Information

8. Compliance costs for affected persons:

The changes could affect any person, whether acting for him or herself, an agency or insurer involved in a proceeding before the department. As a result of the change the presiding officer can relax the rules, expedite the proceedings when possible. When this is done it could save the respondent time and money for legal fees and save their attorney time for other business.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

There is a possibility for savings due to possibly shorter hearings but this cannot be calculated. It will be determined on a case by case basis. The changes are mainly for clarification.

B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
63G-4-102(6)

31A-2-201 (3)(a)

Chapter 4 of Title 63G

63G-4-203(1)

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

12/15/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

12/22/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- insurance

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information
Specialist

Date (mm/dd/yyyy): 10/26/2011